

1 Dawniell Alise Zavala (CA State Bar No. 253130)  
2 HOLME ROBERTS & OWEN LLP  
3 560 Mission Street, 25<sup>th</sup> Floor  
4 San Francisco, CA 94105-2994  
5 Telephone: (415) 268-2000  
6 Facsimile: (415) 268-1999  
7 Email: dawniell.zavala@hro.com

**\*\*E-Filed 10/3/08\*\***

8 Attorneys for Plaintiffs,  
9 MOTOWN RECORD COMPANY, L.P.;  
10 UMG RECORDINGS, INC.; ATLANTIC  
11 RECORDING CORPORATION; and  
12 SONY BMG MUSIC ENTERTAINMENT

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 MOTOWN RECORD COMPANY, L.P., a  
17 California limited partnership; UMG  
18 RECORDINGS, INC., a Delaware corporation;  
19 ATLANTIC RECORDING CORPORATION, a  
20 Delaware corporation; and SONY BMG MUSIC  
21 ENTERTAINMENT, a Delaware general  
22 partnership,

23 Plaintiffs,

24 v.

25 GIOVANNI DOCANTO,

26 Defendant.

CASE NO. 5:08-cv-01651-JF

Honorable Jeremy Fogel

***EX PARTE APPLICATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND [PROPOSED] ORDER***

1 Plaintiffs respectfully request that the case management conference be rescheduled from  
2 October 10, 2008, at 10:30 a.m. to December 12, 2008. As further explained below, Defendant  
3 Giovanni Docanto (“Defendant”) has been served with the Summons and Complaint (“Complaint”),  
4 but has not yet answered or otherwise responded to the Complaint. Plaintiffs intend to file a request  
5 for entry of default if Defendant does not respond to the Complaint in the next few weeks. Because  
6 Defendant has not appeared in this action, a case management conference is unnecessary at this time.  
7 In support of their request, Plaintiffs state as follows:

8 1. Plaintiffs have previously requested, and the court has granted, one continuance of the  
9 case management conference in this matter.

10 2. Plaintiffs filed their initial Complaint for Copyright Infringement against a John Doe  
11 defendant on March 27, 2007. In order to determine the Doe defendant’s true identity, Plaintiffs  
12 filed their *Ex Parte* Application for Leave to Take Immediate Discovery requesting that the Court  
13 enter an order allowing Plaintiffs to serve a Rule 45 subpoena on Defendant’s Internet Service  
14 Provider (“ISP”) – here, California State University, Monterey Bay (“CSUMB”).

15 3. The Court entered an Order for Leave to take Immediate Discovery on April 24,  
16 2008, which was served upon CSUMB along with a Rule 45 subpoena. On June 11, 2008, CSUMB  
17 responded to Plaintiffs’ subpoena, identifying the defendant, Giovanni Docanto.

18 4. Upon receipt of this information from the ISP, Plaintiffs sent a letter to Defendant on  
19 June 13, 2008 notifying him of their claims for copyright infringement and encouraging him to make  
20 contact to attempt to amicably resolve this matter. In response to this letter, Defendant contacted  
21 Plaintiffs’ settlement representatives on June 26, 2008, and the parties engaged **in** a settlement  
22 discussion. No settlement was reached at this time. Plaintiffs attempted to contact Defendant by  
23 telephone on June 30, July 8, July 11, July 17, and August 21, 2008, but were unable to reach  
24 Defendant to resolve this matter, as Defendant did not return Plaintiffs’ calls. Accordingly, on  
25 August 26, 2008, Plaintiffs filed the First Amended Complaint naming Mr. Docanto, individually, as  
26 the defendant.

27 5. Defendant was served with process on September 12, 2008, by substitute service.  
28 Defendant has not yet answered or otherwise responded to the Complaint. Defendant’s time to

1 respond to the Complaint expires on October 2, 2008. Accordingly, Plaintiffs will file a request for  
2 entry of clerk's default in the next few weeks if Defendant has not responded by then.

3 6. Given the circumstances of this case, there is no need for a case management  
4 conference at this time. Therefore, Plaintiffs respectfully request that the Court continue the case  
5 management conference from October 10, 2008, at 10:30 a.m., to December 12, 2008, or such other  
6 date as conveniences the Court.

7  
8 Dated: October 1, 2008

HOLME ROBERTS & OWEN LLP


9  
10 By: /s/ Dawniell Alise Zavala  
11 DAWNIELL ALISE ZAVALA  
12 Attorney for Plaintiffs  
13  
14

15 **[PROPOSED] ORDER**

16 Good cause having been shown:

17 **IT IS ORDERED** that the case management conference currently set for October 10, 2008,  
18 at 10:30 a.m., be continued to December 12, 2008.

19  
20  
21 Dated: 10/2/08

22 By:   
23 Honorable Jeremy Fogel  
24 United States District Judge  
25  
26  
27  
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